

VETOES

under certain circumstances; prohibiting the sale, rental, circulation, or distribution of certain videocassettes or other media under certain circumstances; clarifying that rental of certain media on which sounds or images are stored is included in the prohibitions of this Act; providing certain exceptions; providing that certain private litigation rights are unaffected; and generally relating to certain unauthorized copying of sounds or images from videocassettes.

BY repealing and reenacting, with amendments,

Article 27 – Crimes and Punishments

Section 467A

Annotated Code of Maryland

(1987 Replacement Volume and 1989 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article 27 – Crimes and Punishments

467A.

(a) Unless otherwise provided in this section, it is unlawful for any person, firm, partnership, corporation, or association knowingly to:

(1) Transfer or cause to be transferred any sounds recorded on a phonograph record, disc, wire, tape, film, VIDEOCASSETTE or other article on which sounds are recorded OR OTHERWISE STORED, onto any other phonograph record, disc, wire, tape, film, VIDEOCASSETTE or article with the intent to sell or cause to be sold for profit or used to promote the sale of any product, without the consent of the owner of the original fixation of sounds embodied in the master recording, film, or other such article, PROVIDED, HOWEVER, THAT THIS PARAGRAPH SHALL ONLY APPLY TO SOUND RECORDINGS INITIALLY FIXED PRIOR TO FEBRUARY 15, 1972; or

(2) Transfer to or cause to be transferred to any phonograph record, disc, wire, tape, film, VIDEOCASSETTE, or other article ON WHICH SOUNDS OR IMAGES ARE RECORDED OR OTHERWISE STORED, any performance whether live before an audience or transmitted by wire or through the air by radio or television with the intent to sell or cause to be sold for profit or used to promote the sale of any product, without the consent of the performer; or

(3) Sell, RENT, distribute, circulate, offer for sale, RENTAL, distribution, or circulation, possess for the purpose of sale, RENTAL, distribution, or circulation, or cause to be sold, RENTED, distributed, or circulated, offered for sale, RENTAL, distribution or circulation, or possessed for sale, RENTAL, distribution or circulation any recorded article or device on which sounds have been transferred without the consent of the owner as defined in (a)(1), or any recorded article or device embodying a performance as described in (a)(2) without the consent of the performer.

(b) It is unlawful for any person, firm, partnership, corporation or association